

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 23, 26-30, and 33-40 are pending in the present application. Claims 23 and 30 are independent. The remaining claims depend, either directly or indirectly, from claims 23 and 30.

Claim Amendments

By way of this submission, claims 23, 30, 33-36, 38, and 39 are amended for clarification. Applicant respectfully asserts that no new matter is added by way of these amendments as support for these amendments may be found, for example, in paragraphs [0075], [0076], and [0081] of the originally filed specification, in the corresponding figures, and in the originally filed claims.

Rejections under 35 U.S.C. § 103(a)

Claims 23, 26-30, and 33-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,131,183 (hereinafter “Tyler”) in view of U.S. Patent No. 6,842,898 (hereinafter “Carlson”). For the reasons set forth below, this rejection is respectfully traversed.

The question of obviousness is resolved on the basis of underlying factual determinations including the scope and content of the prior art. *See Ex parte Frye* (BPAI, Precedential Opinion, February 26, 2010) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18

(1966)). *See also KSR*, 550 U.S. at 406-07 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”).

An Applicant may attempt to overcome an Examiner’s obviousness rejection by submitting arguments and/or evidence to show that the Examiner made an error in an underlying finding of fact upon which the final conclusion of obviousness was based. *See, e.g., Ex parte Frye* (BPAI, Precedential Opinion, February 26, 2010).

Tyler teaches an ARC/INFO program having an “XtMainLoop” routine and an ARC/INFO controller having both a main routine and a “readStdin” subroutine. The ARC/INFO program is spawned by the ARC/INFOR controller. The ARC/INFO program is connected to the ARC/INFO controller via input/output streams. Tyler further teaches the “readStdin” subroutine is registered so that it will be called back from within the “XtMainLoop” routine. *See* Tyler at column 5, lines 50-60.

The BPAI contends that Tyler teaches writing a first data value (*i.e.*, registration process) from the first thread (*i.e.*, ARC/INFO controller) to the second thread (*i.e.*, ARC/INFO program). *See* Decision at page 9. However, contrary to the BPAI’s contentions, Tyler does not disclose that Tyler’s first data value is written from Tyler’s first thread to Tyler’s second thread using the input/output streams, as explicitly recited by the amended independent claims. In fact, Tyler’s use of the word “registered” indicates that the registration process takes place before the input/output streams of Tyler’s first and second thread are connected, and thus the registration process does not use the input/output streams. This squarely contradicts what is recited by the amended independent

claims. Accordingly, Tyler fails to disclose or render obvious each and every limitation of amended independent claims 23 and 30.

In view of the above, the Examiner contentions regarding the scope and content of Tyler are incorrect. Moreover, the Examiner's failure to correctly determine the scope and content of Tyler corresponds to an error in an underlying finding of fact upon which the final conclusion of obviousness was based. Applicant respectfully asserts that the existence of such an error is sufficient to overcome the Examiner's obviousness rejection. *See, e.g., Ex parte Frye* (BPAI, Precedential Opinion, February 26, 2010) and *In re Kahn*, 441 F.3d at 985-86.

Carlson teaches a data processing system for monitoring related threads. *See* Carlson at Abstract. However, Carlson does not cure what Tyler lacks. Accordingly, Tyler and Carlson, whether viewed separately or in combination, fail to disclose or render obvious each and every limitation of the amended independent claims.

In view of the above, the Examiner's contentions and the cited prior art references do not support an obviousness rejection of amended independent claims 23 and 30. Claims 26-29 and 33-40 depend, either directly or indirectly, from claims 23 and 30. Accordingly, the Examiner's contentions and the cited prior art references also do not support a rejection of claims 26-29 and 33-40, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this submission is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 36159/098001; P5944).

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Respectfully submitted,

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